

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDGAR J. DIETRICH,

Plaintiff,

v.

PETER K. TIERNAN, M.D.,

Defendant.

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Case No. 15-13559

Honorable John Corbett O'Meara

**ORDER DENYING MOTIONS FOR COURT-APPOINTED COUNSEL**

This matter came before the court on plaintiff Edgar J. Dietrich's February 3 and February 17, 2016 motions seeking court-appointed counsel. No response was filed, and no oral argument was heard.

The appointment of counsel in a civil case is a privilege and not a constitutional right, one that should be allowed only in exceptional cases. Lopez v. Reyes, 692 F.2d 15, 17 (5<sup>th</sup> Cir. 1982). The United States Court of Appeals for the Sixth Circuit has advised that district courts, in considering an application for appointment of counsel in civil cases, "should at least consider plaintiff's financial resources, the efforts of plaintiff to obtain counsel, and whether plaintiff's claim appears to have any merit." Henry v. City of Detroit Manpower Dep't., 763 F.2d 757, 760 (6<sup>th</sup> Cir. 1985).

Plaintiff Dietrich, a disbarred lawyer, claims that he lacks resources to hire an attorney although he has retained counsel in the past. He further claims that he has contacted a number of attorneys in private practice, legal aid attorneys, and those associated with veterans' organizations; and no one will take his case. In reviewing Plaintiff's lawsuit, however, the court finds that it

appears to have little merit. Therefore, the case is not exceptional under Lopez; and the court will deny the motions.<sup>1</sup>

**ORDER**

It is hereby **ORDERED** that plaintiff Dietrich's February 3, 2016 motion for court appointed counsel is **DENIED**.

It is further **ORDERED** that plaintiff Dietrich's February 17, 2016 motion for court appointed counsel is **DENIED**.

s/John Corbett O'Meara  
United States District Judge

Date: April 12, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 12, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager

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<sup>1</sup>Although the two motions, filed two weeks apart, are not identical, they are very similar and seek the same relief.